

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSEPH FRANCIS WEAVER,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-10-26

ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas (D.E. 1). Petitioner challenges his August 27, 2006, convictions for indecency with a child and aggravated sexual assault (*Id.*). Petitioner was sentenced by the 367th Judicial District Court of Denton County Texas, to serve consecutive twenty and ninety-nine year sentences (*Id.*).


A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Bee County, located in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Sherman Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(3).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Denton County, it is more convenient for the action to be handled in the Sherman

Division of the Eastern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Denton Division of the Eastern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Eastern District of Texas, Sherman Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

SIGNED and ORDERED this 2nd day of February, 2010.


Janis Graham Jack
United States District Judge